

SARGENT & HERKES, INC.

NAVAL ARCHITECTS AND MARINE ENGINEERS

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February 15, 2005

Mr. Randall Zevin
Barish Law Offices, P.C.
Three Parkway, Suite 1320
1601 Cherry Street
Philadelphia, Pennsylvania 19102

Subject: Steven Ramsey v. Jay Cashman, Inc.
Date of Accident April 5, 2001
Our File: 3097

Dear Mr. Zevin:

It is understood that Mr. Steven Ramsey was allegedly injured as he was returning to the dredge *WOOD 1* in a steel skiff. You have asked me to review certain documents connected with this case and provide opinions pertaining to the casualty.

The following documents have been provided for my review:

1. Deposition of Steven R. Ramsey, taken October 20, 2004.
2. Photographs of steel skiff.
3. Statement transcript of Steven Ramsey, taken June 15, 2001.
4. Repair invoices from Hochstrasser's Marina, Inc., Ship Bottom, New Jersey, dated March 7, 2001 and April 6, 2001.
5. U.S. Coast Guard accident investigation file, including USCG Form CG-2692, U.S. Army Corps of Engineers Accident Report, and New Jersey State Police Accident Report.

Mr. Steven Ramsey was employed as a mate/engineer aboard the cutter head dredge *WOOD 1*, which was owned by Sterling Equipment, Inc. of East Boston, Massachusetts and

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In my opinion, the electrical system of the skiff should have been completely checked and/or changed out following the sinking in March. Electrical and electronic components can be readily damaged or destroyed by immersion in salt water. Depending upon the type of component and its construction, the damage due to immersion may not become immediately apparent, and problems can occur at a later time due to salt water corrosion.

Reportedly, this same skiff has sunk on other than these two occasions. Mr. Ramsey estimates that the skiff weighs approximately 3000 pounds and he says that the skiff has low freeboard. In my opinion, a 40-h.p. outboard motor is designed to operate with a much lighter vessel, and its performance would only be reduced by the presence of a large tidal current.

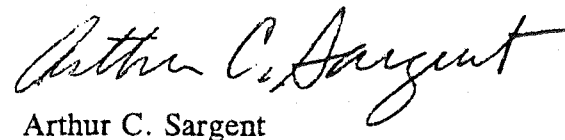
In my opinion, the failure of the engine, either caused by the inadequate repair following the previous sinking or the propeller striking a mooring line or other obstacle, was the proximate cause of the casualty. Either insufficient power or engine failure when operating in the swift tidal current contributed to the boat striking the mooring line, after which it capsized and sank.

Further, in my opinion, this underpowered skiff was unsuitable for operating in the swift current at that location.

An inspection of the skiff is pending. In the event that additional information, facts or details are developed, or any additional expert reports are submitted, a supplementary report may be issued.

For your additional guidance, included are a summary of my work experience, educational background, and qualifications, Appendix I; a list of publications authored within the preceding ten years, Appendix II; a schedule of rates showing compensation to be paid for the study and testimony, Appendix III; and a listing of other cases in which I have testified as an expert at trial or by deposition within the preceding four years, Appendix IV. I intend to testify as a naval architect / marine engineer.

Very truly yours,



Arthur C. Sargent

Encl.
ACS:cd

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operated by Jay Cashman, Inc. Reportedly, the *WOOD 1* was engaged in operations to abate coastal erosion at the Barnegat Inlet Light House on the coast of New Jersey. The *WOOD 1* was moored approximately 75-100 feet off the south shore of Barnegat Inlet. Attached to the *WOOD 1* was the deck barge *SEI-11*, which was carrying rock fill for the erosion project. The *SEI-11* was also owned by Sterling Equipment and operated by Jay Cashman. The *WOOD 1* was reportedly moored by two lines forward and two lines aft.

On April 5, 2001, Mr. Ramsey was operating a steel skiff carried by the *WOOD 1* to pick up parts for the cutter head from shore and deliver them to the *WOOD 1*. The skiff was approximately 18 feet long and powered by a single 40-horsepower Mercury outboard motor. The skiff was equipped with a center console located forward in the vessel.

According to his testimony, as Mr. Ramsey maneuvered the skiff around the stern of the *WOOD 1* after retrieving the parts from shore. During the trip back to the dredge, the outboard motor on the skiff kept stalling, and the motor could not be put into reverse. There was reportedly a strong current flowing out of Barnegat Inlet into the Atlantic Ocean at the time Mr. Ramsey was in the skiff. The direction of this current was from the stern of the dredge towards the bow.

When Mr. Ramsey reached the stern of the dredge, the captain requested that the parts be brought to the bow. As Mr. Ramsey was maneuvering away from the stern of the dredge while trying to keep clear of the stern mooring lines, the skiff struck one of the mooring lines, the motor stalled, and the current trapped the skiff against the rake of the material barge, *SEI-11*. Due to the low freeboard of the skiff and the high tidal current, the skiff capsized and began to sink. As Mr. Ramsey was abandoning the skiff and attempting to climb onto the *WOOD 1*, the sinking skiff struck Mr. Ramsey across his back, pinning him to the hull and fenders of the dredge, and pulling him under the surface. With the assistance of other personnel on the *WOOD 1*, Mr. Ramsey was freed and evacuated to Atlantic City for treatment of his injuries.

According to testimony and the repair invoices from Hochstrasser's Marina, Inc., the steel skiff had reportedly sunk previously on or about March 5, 2001. The invoice notes that a 40 h.p. Mercury motor, serial number OG495877, was brought in after sinking in salt water. The invoice notes that the motor was flushed with fresh water, the carburetors were cleaned, the fuel lines cleaned and the lube oil replaced. There is a note which states, "stator, voltage regulator, switch boxes, starter solenoid were not changed. Advise doing so since it sank in salt water." (emphasis in original) A further notation states, "Do not change any electronics, starter, etc." After Mr. Ramsey's accident, a second Hochstrasser invoice shows that the same Mercury motor was placed for repair.

Appendix I

ARTHUR C. SARGENT

Education: Stevens Institute of Technology, Hoboken, N.J. M.S. 1956. Major studies taken in the heat-power field with theoretical and design courses in gas and steam turbines. Attended graduate school and awarded degree while on active military duty.

Webb Institute of Naval Architecture, Glen Cove, N.Y. B.S. Naval Architecture and Marine Engineering 1953. Measurement of residual stress in structures was subject of senior year thesis.

Professional
Registration: Professional Engineer

Membership
Professional
Organizations: American Society of Naval Engineers
Fluid Power Society
Society of Naval Architects and Marine Engineers

Business
Experience:

1977 Sargent & Herkes Inc., Naval Architects and Marine Engineers, President
to
Present

1965 Breit & Garcia Naval Architects, New Orleans, Louisiana, Naval
to Architect and Project Manager,
1977 Development of conceptual plans, preliminary arrangement, structural, piping, and electrical plans, writing of specifications, submittal of plans and specifications to owners, regulatory bodies and classification societies for review and approval. Responsible for design, stability and weight studies of oceanographic and seismographic vessels, large ocean barges, tugs and tug conversions, tankers, offshore supply boats, liquefied natural gas (LNG) carriers, towboats and other inland craft, and passenger vessels. Investigations of unusual and novel marine engineering projects, such as low temperature transportation of chemicals, handling of waste materials and hazardous commodities. Performing feasibility studies and economic analyses of water transportation systems. Development and submittal of technical proposals, including those to State and Federal Departments. Contract negotiations with clients and shipyards. Supervision of inspectors in shipyards. Approvals of contractors' detailed working drawings. Testified as expert witness in Federal Courts. Hiring of technical personnel.

Appendix II

Publications Authored by Arthur C. Sargent During Last 10 Years

"Your Vessel Sank? Find a Naval Architect"
Greater New Orleans Barge Fleeting Association
1992 River and Marine Industry Seminar

Appendix III

SARGENT & HERKES, INC.
ENGINEERING SERVICES
SCHEDULE OF RATES
FOR
TIME & MATERIAL PROJECTS

<u>Position</u>	<u>Hourly Rate</u>
Project Manager/Consultant	\$ 175.00
Senior Engineer	\$ 125.00
Junior Engineer	\$ 85.00
Design Draftsman	\$ 80.00
Junior Draftsman	\$ 50.00
Clerical	\$ 40.00

Expenses such as travel, subsistence, and reproduction will be billed at cost plus 10% handling. Automobile travel will be billed at \$0.70/mile.

Appendix IV

LEGAL CASES IN WHICH ARTHUR C. SARGENT TESTIFIED BY DEPOSITION OR AT TRIAL

DATE	CASE NAME	COURT
D 11/18/99	Patricia Bradley v. LA-1 Gaming, A Louisiana Partnership <i>in Commendam</i> , Louisiana Gaming Enterprises, Inc. D/B/A <i>BOOMTOWN BELLE CASINO</i> Westbank	United States District Court Eastern District of Louisiana Civil Action No.: 99-0096 Section "B" (2)
D 12/21/99	Aztech Towing Co., Inc. and Vazquez Towing Co., Inc. v. United Capital Insurance Co.	United States District Court Eastern District of Louisiana Civil Action No.: 983528 Section "K" Mag.2
T 1/5/00	Keith Fontenot v. Southwestern Offshore Corp. and Pennzoil Exploration and Production Company	15 th Judicial District Parish of Lafayette State of Louisiana Civil Action No.: 97-2058-4A
T 9/28/00	Sea-Land Service, Inc. v. Columbia Coastal Transport, LLC McAllister Towing and Transportation Company, Inc., <i>in personam</i> , the tug <i>CAPTAIN BILL</i> and the barge <i>CHESAPEAKE TRADER</i> , <i>in rem</i>	United States District Court Eastern District of Louisiana Civil Action No.: 98-1303 Section "J"
D 11/17/00	Preeminent Energy Services, Inc. v. Universal Towing, Inc., et al	16 th Judicial District Court for the Parish of St. Mary State of Louisiana No.: 105,073 Division: "G"
D 10/13/00 T 2/14/01	Ace American Insurance Co., (formerly known as CIGNA Insurance Company) a/s/o Alan J. Goldstein and Alan J. Goldstein, individually v. Richard Bertram, Inc., a Delaware Corporation;	United States District Court Southern District of Florida Fort Lauderdale Division Case No.: 99-6587-CIV-HURLEY

D=Deposition

T=Trial Testimony

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LEGAL CASES IN WHICH ARTHUR C. SARGENT TESTIFIED BY DEPOSITION OR AT TRIAL

DATE	CASE NAME	COURT
	Ferretti of America, Inc., a Florida Corporation; and Ferretti S.p.A., an Italian Corporation	
D 3/26/01	Clinton Junior Resh v. Power Offshore Service, Inc.	25 th Judicial District Court Parish of Plaquemines State of Louisiana No.: 644-649 Division "A"
D 3/30/01	Joel Stipelcovich v. Double Eagle Marine M.V. <i>CHOCTAW EAGLE</i>	United States District Court Eastern District of Louisiana Case No.: 00-1322
D 5/11/01	Edward Wildberger v. Hvide Marine, Inc.	In the District Court of Jefferson County, Texas 58th Judicial District No. E-160,390
D 6/28/01 T 7/11/01	Omi Trent Transport, Inc. v. Marine Inland Transportation Co., <i>in personam</i> , and M/V <i>MARINE VENTURE</i> , her engines, tackle, apparel, etc., <i>in rem</i>	United States District Court Southern District of Texas Houston Division C.A. No. 00-1341
D 11/13/01	George Wilson v. Western Geophysical and Baker Hughes	United States District Court Northern District of Mississippi Eastern Division C.A.: 1:99CV334-D-A
D 1/31/02	Adrian Arabie v. Parker USA Drilling Company, <i>in personam</i> , and the M/V <i>DIXIE No. VIII</i> , et al.	United States District Court Western District of Louisiana Section L-O No. CV 00-2723

D=Deposition
T= Trial Testimony

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DATE	CASE NAME	COURT
D 2/1/02	Korona Burkitt, Personal Representative of the Estate of Cleveland Burkitt, Deceased v. Lloyd Shirey, Kirk Irwin, Judith Irwin and T.D. Industries, a Florida Corporation	In the Circuit Court of the Fifteenth Judicial Circuit of the State of Florida In and For Palm Beach County Civil Division No. 00-82-CA
D 2/25/02	Charles LeDay v. R & B Falcon Drilling, USA, Inc.	United States District Court Western District of Louisiana Lafayette - Opelousas Division Civil Action No. 01-0837
D 3/14/02	Odilon Chacha Coto, et al. v. J. Ray McDermott, S.A., et al.	Civil District Court Parish of Orleans State of Louisiana No. 95-16491 "H"
T 3/25/02	IPSCO, Inc. v. The Barge <i>CCT-169, in rem</i> and American Commercial Barge Line, LLC and Electro-Coal Transfer Company	United States District Court Eastern District of Louisiana Civil Action No. 00-2588 Section "K"
D 4/29/02	Todd Aucoin v. Cal Dive International, Inc.	16 th Judicial District Court Parish of St. Mary State of Louisiana No. 106508 "F"
D 7/12/02	Paul Dupont v. State of Louisiana, et al.	27 th Judicial District Court Parish of St. Landry State of Louisiana No. 00-C-0326-A
D 8/5/02	Michael Girior v. Louisiana Department of Transportation and Development	40 th Judicial District Court Parish of St. John The Baptist State of Louisiana No. 44-018 "F"

D=Deposition
T= Trial Testimony

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LEGAL CASES IN WHICH ARTHUR C. SARGENT TESTIFIED BY DEPOSITION OR AT TRIAL

DATE	CASE NAME	COURT
D 9/4/02	Tellis Matthews v. Offshore Tug Services, et al.	24 th Judicial District Court Parish of St. Bernard State of Louisiana No. 91535 "D"
D 9/30/02	In the Matter of McKinney Salvage & Heavy Lift, Inc. as Owner & Operator of the D/B <i>ROBYNE</i> O.N. 253883	United States District Court Eastern District of Louisiana No. 00-966 "T" (5)
D 1/20/03	Rickie A. & Theresa Cobb v. Sipco Services and Marine, Inc., et al.	United States District Court Eastern District of Louisiana No. 95-2131 "R" (5)
D 3/11/03	Edgar J. Barrios v. E. N. Bisso & Sons, Inc.	United States District Court Eastern District of Louisiana No. 02-2245 "J"
T 04/23/03	Ada D. Turner and Ronnie Turner v. Neal E. Pleasant, RPIA of Delaware, Inc. and ABC Insurance Co.	United States District Court Eastern District of Louisiana Civil Action No. 01-3572 Section "T"
D 06/25/03	Larry J. Viator, Sr. v. Dauterive Contractors, Inc., and Western Geophysical Company of America, Inc.	24 th Judicial District Court Parish of Jefferson State of Louisiana Section "F" No. 524-324
D 07/30/03	American Commercial Barge Lines, LLC v. Reserve FTL, Inc., an Ohio Corporation	United States District Court Northern District of Illinois Eastern Division No. 01 C 5858

D=Deposition
T= Trial Testimony

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LEGAL CASES IN WHICH ARTHUR C. SARGENT TESTIFIED BY DEPOSITION OR AT TRIAL

DATE	CASE NAME	COURT
D 10/10/03	William "Scott" Hall and Sheridy Hall, his wife v.	In the Circuit Court of the 15 th Judicial Circuit
T 4/1/04	Golden Yachts, Inc., a Florida Corporation, d/b/a South Florida Yachts, and Water-Land Manufacturing, Inc., a Florida Corporation	In and For Palm Beach County, FL No. CA 01-9087 AD
T 01/06/04	Delacroix Corporation v. Lynn B. Dean and Elevating Boats, Inc.	34 th Judicial District Court Parish of St. Bernard State of Louisiana Division "D" No. 88 780
D 2/18/04	Valerie Cole and Frank Cole, Jr. v. Imperial Majesty Cruise Line, LLC	United States District Court Southern District of Florida Fort Lauderdale Division Case No. 03-600073
D 3/24/04	Joseph Roy Thibodeaux, Et Ux v. Aries Marine Corporation	United States District Court Western District of Louisiana Lafayette Division No. CV03-0831 L-O
T 5/3/04	Delma J. Daigle v. L&L Marine Transportation Company, Inc.	United States District Court Eastern District of Louisiana Section "L" No. 02-2325
D 5/17/04	Dan M. Cliffe, Suzanne C. Cliffe, and James Cliffe v. Sportsman's Cove Inc.	United States District Court Eastern District of Louisiana Section "B" No. 03-1705

D=Deposition
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LEGAL CASES IN WHICH ARTHUR C. SARGENT TESTIFIED BY DEPOSITION OR AT TRIAL

DATE	CASE NAME	COURT
D 6/24/04	In the Matter of the Complaint of Superior Energy Services, L.L.C. As Owner and Owner Pro Hac Vice of L/B RAYA, Her Engines, Tackle, Appurtenances, Furniture, Etc., Praying for Exoneration From or Limitation of Liability	United States District Court Eastern District of Louisiana Section "F" No. 02-2541
D 7/6/04	In the Matter of The Complaint of Crosby Tugs, L.L.C., and Webb Crosby, L.L.C., As Owners and Operators of the M/V WEBB CROSBY, In a cause for Exoneration from or Limitation of Liability	United States District Court Eastern District of Louisiana Houma Division Section "A" No. 02-1125, c/w 02-1222
D 7/13/04	Phillip Comeaux, II and Shannon Comeaux v. Coil Tubing Services, L.L.C., Lowell Milton Hodges, Gulfstream Services, Inc. and Elevating Boats, L.L.C.	United States District Court Eastern District of Louisiana Section "L" No.02-1790
D 8/30/04	Wayne S. Bennett v. Starfleet Marine Transportation, Inc., Starfleet Marine, Inc. and/or Starfleet Providers, Inc. and THE M/V SHOOTING STAR	United States District Court Eastern District of Louisiana Section "B" No. 03-0931

D=Deposition
T= Trial Testimony